

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAFETY-KLEEN SYSTEMS, INC.,	:	CIVIL ACTION
	:	
	Plaintiff,	:
	:	
v.	:	NO. 02-CV-03565
	:	
DON R. PENNELL,	:	
	:	
	Defendant.	:

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UNCONTESTED MOTION OF DEFENDANT,  
DON R. PENNELL, FOR THE ADMISSION OF  
TIMOTHY A. DUFFY *PRO HAC VICE*

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Defendant, Don R. Pennell, by and through his undersigned counsel, hereby moves pursuant to Local Rule 83.5.2 for the admission of Timothy A. Duffy *pro hac vice*, and in support thereof avers as follows:

1. Timothy A. Duffy is a partner with the law firm of Kirkland & Ellis, located at 200 East Randolph Drive, Chicago, Illinois 60601.
2. Mr. Duffy has represented employees of Heritage Crystal Clean such as defendant Pennell in several similar cases in various federal and state courts. He is familiar with the facts of this case and has experience litigating similar cases.
3. Pennell and his employer, Heritage Crystal Clean, have requested that Mr. Duffy represent Mr. Pennell in this matter.

4. As is more fully set forth in the Declaration of Timothy A. Duffy, attached hereto as Exhibit A, Mr. Duffy is a member in good standing of the Bar of the State of Illinois, and has also been admitted to practice before the United States Courts of Appeals for the Third, Seventh and Eighth Circuits and the United States District Courts for the Northern District of Illinois and the Eastern District of Wisconsin. He has agreed to observe strictly all of the scheduling dates and rules of practice established by this Court.

5. Mr. Duffy is of high moral character and is amply fit to practice before the Court in this matter.

6. Plaintiff's counsel, Jason R. Cohen, has advised defense counsel, Sherry A. Swirsky, that plaintiff does not object to this motion.

WHEREFORE, defendant, Don R. Pennell, respectfully requests that the Court grant his Uncontested Motion for Admission of Timothy A. Duffy *Pro Hac Vice*.

Sherry A. Swirsky

Sherry A. Swirsky (I.D. No. 27814)  
SCHNADER HARRISON SEGAL & LEWIS LLP  
1600 Market Street, Suite 3600  
Philadelphia, Pennsylvania 19103  
(215) 751-2182; (215) 972-7475 (fax)

Attorney for Defendant  
Don R. Pennell

Dated: June 26, 2002

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SAFETY-KLEEN SYSTEMS, INC., : CIVIL ACTION  
v. :  
Plaintiff, :  
v. : NO. 02-CV-03565  
DON R. PENNELL, :  
Defendant. :  
\_\_\_\_\_

DECLARATION OF SHERRY A. SWIRSKY  
IN SUPPORT OF MOTION FOR THE ADMISSION  
OF TIMOTHY A. DUFFY *PRO HAC VICE*

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SHERRY A. SWIRSKY hereby states:

1. I am a member of the Bars of the Supreme Court of the Commonwealth of Pennsylvania and the District of Columbia and am admitted to practice before the United States District Court for the Eastern District of Pennsylvania, the United States Court of Appeals for the Third Circuit, and the United States Supreme Court.

2. For the reasons set forth in the accompanying Motion and in the Declaration of Timothy A. Duffy, the admission *pro hac vice* of Mr. Duffy is important and advisable to a proper resolution of this matter.

3. I believe the applicant, Timothy A. Duffy, to be of high moral character and amply fit to practice before the Court in this matter.

4. I shall serve as associate counsel of record for defendant in accordance with Local Rule 83.5.2(a).

Executed on June 26, 2002

Sherry A. Swirsky  
Sherry A. Swirsky

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**SAFETY-KLEEN SYSTEMS, INC.** :  
Plaintiff :  
v. : **CIVIL ACTION**  
**DON R. PENNELL,** : **NO. 02-CV-3565**  
Defendant. :  
\_\_\_\_\_

**DECLARATION OF TIMOTHY A. DUFFY  
IN SUPPORT OF *PRO HAC VICE* MOTION**

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TIMOTHY A. DUFFY hereby states:

1. I am a partner at Kirkland & Ellis, 200 East Randolph Dr., Chicago, Illinois 60601. I submit this affidavit in support of the application of defendant Don R. Pennell (“Pennell”), pursuant to Rule 83.5.2 of the Local Rules of the United States District Court for the Eastern District of Pennsylvania, for me to be admitted *pro hac vice* to the bar of this Court to represent Pennell in this action.
2. Schnader Harrison Segal & Lewis LLP (“Schnader”) represents Pennell in this action.
3. Pennell is an employee of Heritage-Crystal Clean, L.L.C. (“HCC”). I regularly represent employees of HCC in litigation. I am experienced in litigation such as this case, and I am familiar with the legal principles applicable to this lawsuit.

4. I will strictly observe the dates fixed for and rules governing scheduling conferences, motions, pretrial conferences, trials or any other proceedings.

5. I am a member in good standing of the bars of the State of Illinois, the U.S. Courts of Appeals for the Third, Seventh, and Eighth Circuits, and the U.S. District Courts for the Northern District of Illinois and the Eastern District of Wisconsin. I am not under suspension or disbarment by any court. I have tried cases in the state and federal courts, and am familiar with the rules of evidence and other rules governing procedures therein.

6. Based on the foregoing, I respectfully request that I be admitted *pro hac vice* as counsel for Pennell in this action.



Timothy A. Duffy

Executed on June 24, 2002

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Uncontested Motion of Defendant, Don R. Pennell, for the Admission of Timothy A. Duffy *Pro Hac Vice* and supporting papers has been served on counsel for plaintiff by overnight delivery to:

Jason K. Cohen, Esquire  
Stradley, Ronon, Stevens & Young, LLP  
2600 One Commerce Square  
Philadelphia, PA 19103

Cherie W. Blackburn, Esquire  
Amy Yager Jenkins, Esquire  
Nelson, Mullins, Riley & Scarborough, L.L.P.  
151 Meeting Street, Suite 600  
P.O. Box 1806  
Charleston, South Carolina 29401

Sherry A. Swirsky  
Sherry A. Swirsky

Dated: June 26, 2002.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SAFETY-KLEEN SYSTEMS, INC.,</b>	<b>:</b>	<b>CIVIL ACTION</b>
	<b>:</b>	
<b>Plaintiff,</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>NO. 02-CV-03565</b>
	<b>:</b>	
<b>DON R. PENNELL,</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant.</b>	<b>:</b>	

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**ORDER**

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AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, upon consideration of the Uncontested Motion of Defendant, Don R. Pennell, for the Admission of Timothy A. Duffy to this Court *pro hac vice* pursuant to Rule 83.5.2 of the Local Rules of this Court, and the Court having considered the submissions in support of the motion, it is hereby ORDERED that the Motion is GRANTED and Timothy A. Duffy is hereby permitted to participate actively in all phases of this action before this Court, including the trial and all pre-trial and post-trial proceedings.

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CHARLES R. WEINER, J.